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8 Attorneys for Defendant  
9 JOSE CASTELLANOS

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION

16  
17 UNITED STATES OF AMERICA,

18 Plaintiff,

CR 04-40148 DLJ

19 v.

20 STIPULATION AND ORDER TO  
21 CONTINUE STATUS HEARING

JOSE CASTELLANOS,

Defendant.

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17 At the request of the parties, the Court enters this order  
18 (1) continuing the hearing presently set for February 6, 2009,  
19 at 11:00 a.m. to March 20, 2009 at 11:00 a.m., for change of  
20 plea; and (2) excluding time under the Speedy Trial Act from  
21 February 6, 2009, based on the following:

22 1. Since the last appearance before this Court on  
23 December 12, 2008, the parties have met twice for the specific  
24 purpose of analysis of financial documents relevant to material  
25 provisions of the contemplated plea agreement.

26 2. Assisted by case agents, the government provided and  
27 continues to provide financial records pertaining to Mr.  
28 Castellanos that date back (in most instances) more than eight

1 years.

2       3. The discussions have become sufficiently focused as to  
3 the financial picture that the parties believe the last step is  
4 to attempt to locate, within all of the seized documents, copies  
5 of checks/checkstubs that defense counsel is informed and  
6 believes will establish legitimate income.

7       4. On defense counsel's information and belief, Mr.  
8 Castellanos attempted to obtain these materials on his own  
9 from his financial institution but was told that the records  
10 went back only five to seven years.

11      5. As before, counsel are generally in agreement upon  
12 the offense of conviction and have tentatively agreed upon the  
13 base offense level for purposes of Guidelines calculations.

14      6. A draft plea agreement is expected before the end of  
15 the month, which should be sufficient time to finalize the state  
16 of the financial component.

17      7. Both defense counsel are scheduled for trial before  
18 the Honorable Judge Armstrong on March 9, 2009 in United States  
19 v. Aquilar.

20      8. The parties understand that the Court is eager to see  
21 this matter go forward, and reasonably anticipate appearing on  
22 March 20, 2009 for change of plea.

23      9. Accordingly, the parties mutually request that the  
24 February 6, 2009, date be vacated and that the matter be  
25 continued to March 20, 2009 at 11:00 a.m. for change of plea.

26      10. The parties stipulate that the time is excludable from  
27 the time limitations of the Speedy Trial Act because the  
28 interests of justice are served by granting a continuance. This

1 continuance, requested by the parties, will permit continuity of  
2 counsel, and allow the reasonable time necessary for effective  
3 preparation, taking into account the exercise of due diligence.  
4 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

5 THE PARTIES THEREFORE STIPULATE that the hearing for change  
6 of plea or motions/trial setting be continued from February 6,  
7 2009 to March **20**, 2009 with time continuing to be excluded as  
8 specified above, such that the ends of justice served by  
9 granting such a continuance outweigh the best interests of the  
10 public and the defendant in a speedy trial.

11 Dated: February 4, 2009

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13 /s/ SHARI L. WHITE  
SHARI L. WHITE  
14 Attorney for JOSE CASTELLANOS

/s/ TIMOTHY J. LUCEY  
TIMOTHY J. LUCEY  
Assistant U.S. Attorney

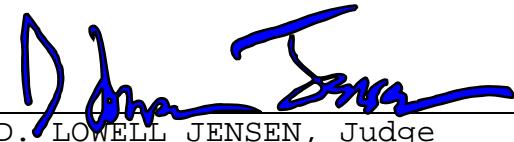
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16 **ORDER**

17 Good cause appearing, and based upon the stipulation of the  
18 parties,

19 **IT IS HEREBY ORDERED** that the hearing in this matter is  
20 continued to March **20**, 2009, at the hour of 11:00 a.m. and that  
21 time is excluded as stipulated.

22 Dated: February 5, 2009

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D. LOWELL JENSEN, Judge  
25 United States District Court  
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